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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven E. Arthur

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,014	Applicant(s) ARTHUR, STEVEN E.	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 February 2009 has been entered.

Response to Amendment

2. Claims 1, 6, 11, 16, 21 and 22 have been amended.
3. Pending Claims 1-22 have been examined in this application.

Response to the Arguments

4. Applicant argues regarding the rejection of **Claims 1-5** ***“that activating the next successive n-1 cards corresponding to next successive n-1 card numbers without entering into said POS device any card numbers corresponding to the n-1 cards....is support in the Specification, paragraph [0033] and [0030].”*** Respectfully the Examiner must disagree. Paragraph [0030] supports the use of a batch number to initiate the activation of the cards. The same batch number can be used by the point-of-sale device to indicate the void of the purchase without having to enter every card. Paragraph [0033] merely states regarding the activation of a pack of cards “in block 116, the next successive ‘N-1’ cards corresponding to the next successive ‘N-1’ cards numbers is activated.” Therefore, this is considered “new matter.”
5. Applicant argues that support for the amendment of **Claim 6** is in paragraph [0028]. Respectfully the Examiner must disagree the support is in paragraph [0029].

Specification

6. The amendment filed on 3 February 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The new matter is underlined ***“that activating the next successive n-1 cards corresponding to next successive n-1 card numbers without entering into said POS device any card numbers corresponding to the n-1 cards.*”**

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 1 and 16** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “activating a batch of cards”, does not reasonably provide enablement for ***“that activating the next successive n-1 cards corresponding to next successive n-1 card numbers without entering into said POS device any card numbers corresponding to the n-1 cards”***. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The specification does not enable ***“activating the next successive n-1 cards corresponding to next successive n-1 card numbers without entering into said POS device any card numbers corresponding to the n-1 cards”***.

Claim Rejections - 35 USC § 103

9. **Claims 1-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al., US 7,028,896 B2 hereafter known as Goldstein and further in view of Risafi et al. US 6,473,500 B1, hereafter known as Risafi. .

Claims 1, 6, 11 and 16:

With regard to the limitations:

- ***Activating a number of successively numbered cards at a POS device.***

Goldstein does not specifically disclose activating at a POS device; however Goldstein in at least Column 1, lines 55-67 discloses that a customer may purchase large groups of transaction cards from a card manufacturer so there are no unexpected, duplicate or missing cards. Goldstein in at least Column 2, lines 21-33 further discloses that the cards may be arranged and packaged in a specific sequence to allow for easier batch activation of cards. Goldstein in at least Column 3, lines 19-45 discloses that a retailer may easily identify and activate multiple cards at one time since the cards may be provided in contiguous sets (e.g. bundle, sleeve, etc.) of cards and/or in a known sequence. As a result, the retailer may retrieve an entire set of cards and activate all the cards at once without having to individually activate each card. Risafi in at least Column 4, lines 61-67, Column 5, lines 1-10, Fig. 5b, Fig. 7b, Column 6, lines 37-46, Column 8, lines 53-54, Column 9, lines 9-19, lines 35-41 discloses the batch activation of a set of cards at a merchant terminal (POS, ATM, etc.). Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known features of Goldstein for producing and packing cards in bundles for activation as a set with the well know features of Risafi for batch activation of cards at a merchant terminal with the motivation to achieve the combined predictable results that each have individually.

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Claims 2-5 and 7-10:

With regard to the limitations:

- ***Cards are activated in a sequence.***
- ***Cards are deactivated in a sequence.***
- ***Request for activation is acknowledged based on the first indicator and the total number of cards.***

Goldstein does not specifically disclose the flow of the activation request from a POS terminal to the activation processor per se. However, Goldstein in at least Column 3, lines 16-45 discloses that a retailer may easily identify and activate multiple cards at one time since the cards may be provided in contiguous sets and/or in a known sequence. Also disclosed is that the first and last cards in a series may be identified to the card tracking database and all cards located in the set between the first and last identified cards in the series may be activated. Goldstein in at least Column 9, lines 40-63 further discloses the use of an audit trail to deactivate a group of cards.

Risafi in at least Column 4, lines 61-67, Column 5, lines 1-10, Fig. 5b, Fig. 7b, Column 6, lines 37-46, Column 8, lines 53-54, Column 9, lines 9-19, lines 35-41 discloses the batch activation of a set of cards at a merchant terminal (POS, ATM, etc.). Risafi in at least Column 9, lines 9-18, Column 12, lines 32-35, card recipients being notified of the PIN associated with their card via email, electronic means or other means. Risafi in at least Column 12, lines 65-67 further discloses transmitting to the program sponsor that the card accounts have activated. Goldstein/Risafi do not specifically disclose that during a batch activation acknowledgement is received based on the first indicator and the total number of cards per se, however it would have been obvious to modify Goldstein/Risafi batch activation of cards with a notification indicating that the request for activation has been acknowledged and approved with the motivation of notifying the retailer and the customer that some cards are missing, mutilated, etc. in order to correct the deficiencies.

Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to further modify the Goldstein / Risafi combination with a process to deactivate (void) a sequence of cards

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by inputting the necessary data to determine the sequence of cards (start and ending number of a sequence, start number of a set of cards and the number of cards in the set, etc.) to be deactivated.

Claim 21-22:

With regard to the limitations:

- ***Packaging and selling cards with an identifier;***
- ***Identifier indicates number of cards;***
- ***For activation a plurality of cards without entering into the POS device any card numbers except the first card number.***

Goldstein in at least Column 9, lines 30-63 and Fig.2 discloses that the cards are arranged in a desired way and may be organized in a hierarchy for packaging, and the location of cards in the hierarchy may be verified and controlled. Packaging of cards in sets or sleeves and each card being associated with a particular sleeve, box and pallet based on the card's identifier or other information. Goldstein in at least Column 3, lines 19-45 discloses that a retailer may easily identify and activate multiple cards at one time since the cards may be provided in contiguous sets (e.g. bundle, sleeve, etc.) of cards and/or in a known sequence. As a result, the retailer may retrieve an entire set of cards and activate all the cards at once **without having to individually activate each card**. Goldstein in at least Column 9, lines 64-67 and Column 10, lines 1-67 further discloses additional packaging information regarding card identifiers and tracking of the identifier versus the packaging. Goldstein in at least Column 11, lines 21-55 still further discloses sleeves being labeled (tamper-evident seal) with a sleeve number, the range of cards included in the sleeve, the customer, a job description and any other suitable material.

Claims 12-15 and 17-20:

With regard to the limitations:

- ***Batch activation of a card from first to last.***

- ***Determining card is of same time and activation amount.***
- ***Signaling that card type and activation amount match or do not match.***

Goldstein in at least Column 1, lines 19-52 discloses many types of transaction cards and how they each are given a unique identifier within a group of cards. Goldstein in at least Column 9, lines 4-29 discloses that cards processed by the manufacturing apparatus are verified (reading the identifier) to insure that no unexpected, duplicate or missing cards and/or are organized and packaged in a desired way. Goldstein in at least Column 3, lines 19-45 discloses that a retailer may easily identify and activate multiple cards at one time since the cards may be provided in contiguous sets (e.g. bundle, sleeve, etc.) of cards and/or in a known sequence. As a result, the retailer may retrieve an entire set of cards and activate all the cards at once **without having to individually activate each card**. Risafi does not specifically disclose a process for checking if cards are of the same type, per se. However, Risafi in at least Column 4, lines 61-67 and Column 5, lines 1-10 discloses that cards may be activated as a batch, PIN numbers and an initial balance is assigned to each card number and the information is transmitted via a communications network to the card processing center. Risafi in at least Column 9, lines 9-18 and lines 34-50 further discloses a promoter batch activating a set of cards having a fixed cash value and distributing them by a variety of means to customers who purchase the promotional product. Goldstein teaches the manufacturing of cards in a predetermined sequence and packaging the cards per the customer's desired sequence. Risafi teaches the batch activation of cards and their use.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

20 March 2009

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627